

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JUN 20 2025

Kenjalo, David, as lawful attorney-in-fact for

Nathan Edward Kenjalo, a living man,

Plaintiff,

v.

Rusty Surette, et al.,

Defendants.

Nathan Ochsner, Clerk of Court

COMPLAINT FOR DEFAMATION, INVASION OF PRIVACY, AND EQUITABLE RELIEF

FACTUAL ALLEGATIONS

1. Plaintiff, Nathan Edward Kenjalo, is a living man and private beneficiary of the Most High Creator, not a corporate person, U.S. citizen, or subject of any federal or municipal jurisdiction. He appears in this matter by and through his lawfully appointed attorney-in-fact, Kenjalo, David, who acts by exclusive private Power of Attorney executed on September 12, 2024.
2. This action is brought to remedy the dishonor, defamation, and reputational harm caused by the unlawful and uncorrected publication of false and misleading statements regarding the Plaintiff following an unlawful arrest in College Station, Texas, on September 5, 2024.
3. All presumption of corporate personhood, joinder, suretyship, or public trust are hereby rebutted. All rights are reserved nunc pro tunc, ab initio.
4. Plaintiff: Nathan Edward Kenjalo, by lawful attorney-in-fact, Kenjalo, David, privately domiciled on the land known as Texas, within the United States of America.
5. Defendant: Rusty Surette, a news reporter affiliated with KBTX-TV, believed to reside or work in Brazos County, Texas.
6. Jurisdiction is proper under Article III of the Constitution, diversity of citizenship, and the federal question doctrine, including violations of due process and rights secured under the First and Fourteenth Amendments.

7. Venue is proper in this District as the events giving rise to the claim occurred in College Station, Texas, within the jurisdiction of this Court.

8. On or about September 5, 2024, Plaintiff Nathan Edward Kenjalo was unlawfully arrested by officers of the College Station Police Department without probable cause, without Miranda warning, and in violation of his constitutionally secured rights. No formal charges were filed, and the matter was formally refused by the County Attorney [No explanation given] — no dismissal or adjudication was ever necessary.

9. Following the incident, Defendant Rusty Surette published a defamatory and misleading article and social media post on the platform X (formerly Twitter), naming Plaintiff, posting his image, and implying criminal wrongdoing, despite no charges being filed and no record of guilt.

10. On or about March 25, 2025, Plaintiff sent a formal, certified letter to Defendant, respectfully requesting retraction and clarification. The letter clearly stated Plaintiff's lawful name and private standing, correcting the false implications of the publication.

11. On April 9, 2025, Defendant replied by email, stating: "You do not have legal rights over the use of your name and likeness that appear in public records... While I'm happy to update the outcome... we do not issue apologies."

12. On April 13, 2025, Plaintiff responded in good faith, stating in part: "You stated I hold no rights over my name or image as it appears in 'public record.' However, the record itself is incomplete, unverified, and materially misleading... I ask plainly: are you licensed to adjudicate or determine law?"

13. Defendant responded later that same day: "I've already explained to you what we are willing to do. Best of luck!"

14. These communications are attached as Exhibit B and demonstrate Defendant's actual malice, refusal to retract defamatory content, and a reckless disregard for the truth.

CLAIMS FOR RELIEF

15. Defendant knowingly published false statements concerning Plaintiff, including but not limited to allegations of criminal behavior and implication of unlawful conduct, without verifying the truth of such claims and with no record of a formal charge.

16. Defendant published these statements and Plaintiff's image to a wide audience via the public platform X, creating a damaging and misleading public record that caused reputational harm.

17. Defendant further demonstrated actual malice by stating, in response to Plaintiff's lawful demand for correction, that Plaintiff "does not own the rights to his name," despite Plaintiff's recorded Declaration of Status, lawfully established ecclesiastical standing, and prior notice.

False Light

18. Defendant presented Plaintiff to the public in a false and misleading light by associating him with a criminal offense that was never charged, resulting in reputational injury.

19. The statements made by Defendant would be highly offensive to a reasonable person and were made with reckless disregard for the truth.

Invasion of Privacy (Misappropriation and Disclosure)

20. Plaintiff has a protected interest in his name and likeness, which are privately held and ecclesiastically recorded.

21. Defendant used Plaintiff's name and image without consent, and in a false context, violating Plaintiff's right to control and protect personal identity and image.

Declaratory and Equitable Relief

22. Plaintiff seeks a declaratory judgment affirming his lawful standing, ecclesiastical status, and name ownership.

23. Plaintiff further seeks injunctive relief requiring the retraction of defamatory content and confirmation of remedial training for the Defendant and his organization.

PRAYER FOR RELIEF

Plaintiff makes no monetary demand in this complaint and brings this action solely for the purpose of honorable correction and equitable remedy. No fees, compensation, or restitution is sought by or for his attorney-in-fact, who acts out of duty, conscience, and spiritual stewardship.

WHEREFORE, Plaintiff respectfully demands:

1. A certified written apology from Defendant Rusty Surette acknowledging his ignorance and error regarding Plaintiff's lawful standing, name ownership, and protected private status.
2. A full and public retraction of the defamatory publication, accompanied by a written apology, issued on the platform known as X (formerly Twitter), where the original content was posted.
3. Confirmation that all offending material has been removed from all public, digital, and private archives under Defendant's control.
4. Confirmation of remedial constitutional training and name-image-rights education within the organization(s) responsible for the publication and continued distribution of the defamatory report.
5. Any further equitable relief this Court deems just and proper in law and honor.

Respectfully submitted,

/s/ Kenjalo, David

Kenjalo, David as lawful attorney-in-fact for Nathan Edward Kenjalo
Private Domicile, Texas, republic
c/o PO Box 939
Fergus Falls, Minnesota [56538]
Non-Domestic, without the U.S.
Email: david@bpillc.org

Exhibit A: Power of Attorney executed by Nathan Edward Kenjalo on September 12, 2024.

Exhibit B: Email correspondence and certified demand letter between Plaintiff and Defendant.

Exhibit C: Verified Affidavit of Status, Trade Name, and Ecclesiastical Standing.

EXHIBIT A

United States Courts
Southern District of Texas
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JUN 20 2025

POWER OF ATTORNEY

Nathan Ochsner, Clerk of Court

I, NATHAN EDWARD KENJALO, DEBTOR at 20102 CYPRESS ROSEHILL ROAD #7309, TOMBALL, TEXAS 77377, do hereby authorize Kenjalo, David, at 20102 Cypress Rosehill Road #7309, Tomball, Texas [77377] Non Domestic Without the US, as Attorney-In Fact and as my private attorney in fact, to take exclusive charge of, manage, and conduct all of my tax, business, legal affairs, settle debts, make purchases, etc., and for such purpose to act for me in my name and place, without limitation on the powers necessary to carry out this exclusive purpose of attorney in fact as authorized to wit;

- A. To take possession of, hold, and manage my real estate and all other property.
- B. To deposit funds into, make withdrawals from, or sign checks or drafts against any account standing in my name individually or jointly in any bank or other depository; to cash coupons, bonds, or certificates of deposit; to endorse checks, notes, or other documents in my name; to have access to, and to place items into or remove them from, any safety deposit box standing in my name individually; and otherwise to conduct bank transactions or business for me in my name.
- C. To pay my just debts and expenses, including reasonable expenses incurred by my attorney in fact, Kenjalo, David in exercising this exclusive power of attorney.
- D. To give general and special proxies or exercise rights of conversion or rights with respect to shares or securities; to deposit shares or securities with or transfer them to protective committees, or similar bodies; to join in any reorganization and pay assessments or subscriptions called for in connection with shares or securities.
- E. To sell, exchange, lease, give options, and make contracts concerning real estate or other property for such considerations and on such terms as my attorney in fact, Kenjalo, David, may consider prudent.
- F. The Creditor Kenjalo, Nathan named herein on the Form UCC-1 and Commercial Security Agreement filed with the SECRETARY OF STATE of IOWA, is authorized by law to act for and in control of the Debtor NATHAN EDWARD KENJALO, NATHAN E KENJALO, NATHAN KENJALO, or any derivative thereof. In addition, Kenjalo, David has the exclusive power of attorney to contract for all business and legal affairs of NATHAN EDWARD KENJALO, 502-31-3639, DEBTOR, and the Creditor, Kenjalo, Nathan.

The term "exclusive" shall be construed to mean that while these powers of attorney are in force, only my attorney in fact may obligate me in these matters; and I forfeit the capacity to obligate myself with regard to same.

Kenjalo, Nathan Edward
 Kenjalo, Nathan Edward, in *esse and sui iuris*
 Union State American National
 Private Citizen of the State of Texas
 Special and Private resident of the County of Harris
 Grantor-Settlor, Presumed Donor for the decedent legal estate Trust
"NATHAN EDWARD KENJALO"
 All Rights reserved Without Prejudice

Acknowledgment

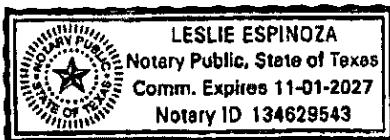
United States of America)
State of Texas) s.a.
County of Harris)

Before me, on this day, **Nathan Kenjalo**, known to me to be the natural person described herein, personally made a restricted visitation and solemnly affirmed under the Law of God and the Maxims of Equity that every statement given above was the whole truth to the best of his knowledge

Subscribed and Affirmed before me on this 13th day of September, 2024.
SEAL

Leslie
Public Notary

My commission expires on: 11-01-2027



P24000612-2

3/21/2024 4:30 PM

IOWA SECRETARY OF STATE

FILED


UCC FINANCING STATEMENT
 FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT SUBMITTER (optional)

Nathan 936-438-6572

B. E-MAIL CONTACT AT SUBMITTER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

Kenjalo, Nathan
 c/o 11 Benedict Canyon Loop
 Spring, Texas Non-domestic

SEE BELOW FOR SECURED PARTY CONTACT INFORMATION

 339329 CERT \$4.00 CORY 1 3/22/24
 339329 UCC \$1.00 CORY 1 3/22/24
 339329 UC1 \$10.00 CORY 1 3/22/24

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

 1. DEBTOR'S NAME: Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the individual Debtor's name still not fit in line 1b, leave all of item 1 blank, check here and provide the individual Debtor information in Item 10 of the Financing Statement Addendum (Form UCC1Ad)

 1a. ORGANIZATION'S NAME
NATHAN EDWARD KENJALO

 OR
 1b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

 1c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY
600 East Boulevard, Dept of Vital Records **Bismarck** **ND** **58505** **US**

 2. DEBTOR'S NAME: Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the individual Debtor's name still not fit in line 2b, leave all of item 2 blank, check here and provide the individual Debtor information in Item 10 of the Financing Statement Addendum (Form UCC1Ad)

 2a. ORGANIZATION'S NAME

 OR
 2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

 2c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name (3a or 3b)

 3a. ORGANIZATION'S NAME

 OR
 3b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME ADDITIONAL NAME(S)/INITIAL(S) SUFFIX
Kenjalo **Nathan**

 3c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY
c/o 11 Benedict Canyon Loop **Spring** **TX** **RFD 77382** **USA**

4. COLLATERAL: This financing statement covers the following collateral:

This is the Collateral by Secured Creditor on behalf of the Estate Trust NATHAN EDWARD KENJALO, a STATE OF NORTH DAKOTA Org#133-05-008427, in the Commercial Chamber under necessity to secure the rights, title, interest and value therefrom in and out of the Root of Title from inception. All property held in trust; including but not limited to; DNA, cDNA, RNA, mRNA, cell lines, blood products, retina scans, fingerprints, res, the energy and all products derived therefrom, nunc pro tunc ab initio, including contracts, agreements, signatures and/or endorsements, facsimiles, printed, typed or photocopied of owner's NAME predicated on the "Strawman" juristic person/Trust Estate described as the DEBTOR. Any and all property is accepted for value and exempt from levy and any lien placed on the DEBTOR entities for all outstanding property still owed but not yet returned to the Trust from entities such as municipalities, governments and the like. Creditor has in possession Private Security Agreement #11162005-NEKPSA & Hold Harmless Indemnity Agreement#11162005-NEK-HHIA.

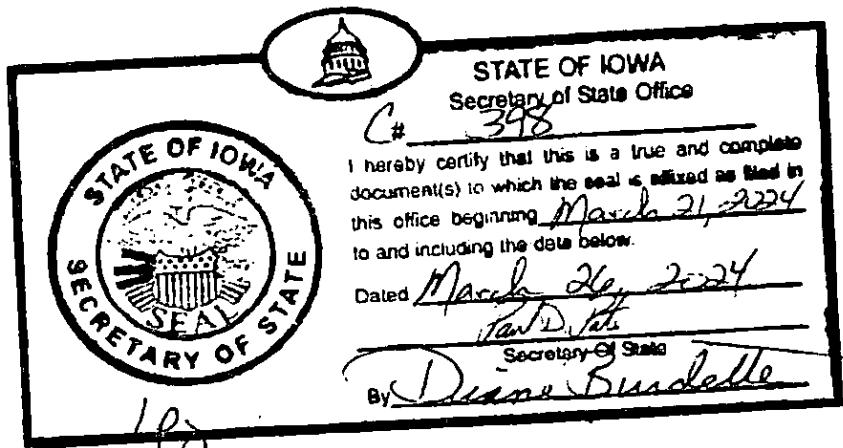
 5. Check only if applicable and check only one box: Collateral is Held in a Trust (see UCC1Ad, Item 17 and Instructions) being administered by a Debtor's Personal Representative

 6a. Check only if applicable and check only one box: Public-Finance Transaction Manufactured-Home Transaction A Debtor is a Transmitting Utility Agricultural Lien Non-UCC Filing

6b. Check only if applicable and check only one box:

 7. ALTERNATIVE DESIGNATION (if applicable): Lessor/Lessee Consignee/Consignor Seller/Buyer Seller/Goods Lessor/Consignee

6. OPTIONAL FILER REFERENCE DATA:



United States Courts
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EXHIBIT B

Nathan Ochsner, Clerk of Court

Certified Mail and Email Correspondence between Nathan Edward Kenjalo and Rusty Surette regarding Retraction Request and Response

From: Rusty Surette <>
Sent: Sunday, April 13, 2025 1:11 PM
To: Nathan Kenjalo <>
Subject: Re: KBTX-TV

Hi Nathan, from this point on you'll have to work with our corporate lawyers. I've already explained to you what we are willing to do.

Best of luck!

Rusty Surette

Sent from my iPhone

From: Nathan Kenjalo
Sent: Sunday, April 13, 2025 12:46 PM
To: Rusty Surette <>
Subject: RE: KBTX-TV

Mr. Surette,

I trust you will receive this notice and response in good faith and respond in honor. Your earlier response referenced policy, which appears to presume guilt without due process or factual verification. This policy - as applied to me - suggests a presumed public authority to condition the removal of the post on undefined internal approvals, despite the absence of any lawful charge against me.

You stated I hold no rights over my name or image as it appears in "public record." However, the record itself is incomplete, unverified, and materially misleading. Instead of conducting a basic verification or accepting my good-faith correction, you set conditions as if you possessed lawful standing to do so.

I ask plainly: are you licensed to adjudicate or determine law? Because to assert conditions upon the correction of defamatory publication involving a man who has never been charged with a crime, and who lawfully holds control over his trade name and political status, is to assume an authority that is not lawfully yours.

Therefore, I respectfully demand the following:

Immediate removal of the original post,

An honorable public correction and written apology,

Written confirmation that my name and image will not be used again without express consent.

Prayerfully, I hope this matter may still be resolved in peace and truth. However, if you continue in dishonor, your name will be included in a federal civil rights complaint already prepared, which will proceed without further notice if remedy is not made in good faith.

With all due respect and in full honor,

Nathan Edward Kenjalo, *sui juris*

All rights reserved. Without prejudice. UCC 1-308

From: Rusty Surette <>
Sent: Wednesday, April 9, 2025 11:03 AM
To: Nathan Kenjalo <>
Cc: Rusty Surette <>; Josh Gorbutt <>
Subject: KBTX-TV

Hi Nathan,

I received your letter today.

Our policy is that if you provide documentation that your case was dismissed, we're more than happy to share that update with our audience and if approved by my News Director, I have no objection to removing the post on social media.

There are a couple of clarifications I should point out in your note: You do not have legal rights over the use of your name and likeness that appear in public records. Court documents, arrest reports, mug shots, probable cause affidavits, and jail rosters are all public records that can be obtained and shared by anyone including media organizations.

While I'm happy to update the outcome of your arrest and even remove the post if approved by my supervisor, we do not issue apologies.

Thanks,

**Formal Demand for Retraction, Public Apology, and Immediate Removal
of Defamatory Content**

Dear Mr. Surette,

I am writing to formally demand the removal and correction of a defamatory post made by you on your X (formerly Twitter) account, @KBTXRusty, on or around September 8, 2024. This post falsely associates me, Nathan Kenjalo, with criminal behavior including reckless racing, refusal to provide identification, and being uncooperative with police. You also used my full name and image in the post without my consent while attaching allegations that are both false and damaging.

Let me state unequivocally: although I was subjected to an unlawful arrest, the incident resulted in no charges and was entirely dismissed by the Brazos County Attorney's Office due to lack of probable cause. Official court records dated September 19, 2024, confirm this dismissal. At no point did the arresting officer state what crime I was allegedly committing, which is why I did not immediately identify myself. Within just 30 seconds of first contact, I was forcibly removed from my vehicle without lawful explanation, and I was never read my Miranda rights. There was no legal basis for the arrest. The claims made in your post are not only misleading but also false and defamatory.

Your post has caused measurable harm to my reputation, including but not limited to:

- Jeopardizing my college baseball career, a path I have worked tirelessly to pursue.
- Causing me to lose recruitment opportunities to play for a college program.
- Damaging my relationships with friends, coaches, and peers alike.
- Causing emotional distress, anxiety, and a harmful public image that continues to circulate.
- Creating long-term digital harm, as posts like this can live online indefinitely.

Furthermore, I retain full legal rights over the use of my name and likeness, and you had no explicit or implied right to publish them in conjunction with false criminal allegations. This is a violation of my privacy rights, and your failure to verify any of the information before broadcasting it to the public demonstrates gross negligence on your part as a media professional.

Therefore, I am demanding the following actions be taken promptly and in good faith:

- 1. Immediately and permanently remove the defamatory post from your X account and ensure it is taken down from any affiliated platforms or third-party shares.**
- 2. Prepare a public retraction and formal apology that includes my full name, Nathan Kenjalo, and clearly states that the original post contained false information, that the arrest was dismissed with no charges due to lack of probable cause, and that you regret the harm caused. This apology must not include my image or likeness without my express written permission.**
- 3. Provide written confirmation within seven (7) business days of receiving this letter, including the proposed wording of the apology for my review and written approval prior to its publication.**

If you fail to comply within the specified time frame, I am fully prepared to take legal action for defamation, negligence, misappropriation of likeness, and emotional distress. I have documented evidence supporting my claims, including court records confirming the dismissal and lack of probable cause, which directly invalidate the accusations made in your post.

If you believe there is an alternative course of action that acknowledges the harm done and reasonably resolves this matter, I am open to hearing your proposal in good faith.

This is your opportunity to act amicably and bring this matter to a proper resolution.

Sincerely,

Nathan Kenjalo

Phone: 936-438-6572

Email: Nathan@borderresources.com

Date:

JUN 20 2025

Nathan Ochsner, Clerk of Court

EXHIBIT C**Affidavit of Status, Trade Name Ownership, and Ecclesiastical Standing**

I, Nathan Edward Kenjalo, being of sound mind and lawful standing, do hereby solemnly affirm the following:

1. I am a living man, *sui juris*, privately domiciled within the physical land known as Texas, a union State of the United States of America, and not a corporate entity or subject of the United States federal municipal corporation.
2. I have lawfully recorded and published a comprehensive Declaration of Status, totaling 40 pages, which establishes my position as a private citizen, ecclesiastical heir, and lawful holder and secured party over the trade name and image styled as '**NATHAN EDWARD KENJALO**', a legal fiction and transmitted entity created without my consent at birth..
3. My Declaration of Status, birth record, and supporting affidavits were lawfully recorded in Big Horn County, Montana, on April 19, 2024, under file number 369704, Book 192, Pages 1016 through 1018.
4. Said Declaration has been authenticated by the North Dakota Secretary of State via Apostille and affirmed under the seal of the United States Department of State, confirming full faith and credit of the attached documents.
5. The birth certificate contained within the record, issued by the North Dakota Department of Health, verifies my natural-born status and lawful name, Nathan Edward Kenjalo, which I claim as private property under ecclesiastical and common law jurisdiction.
6. I rebut all presumptions of joinder to any legal fiction derivative of my name, including but not limited to NATHAN EDWARD KENJALO or any similar stylization used to represent a corporate entity.
7. My lawful name, image, and identity are protected under equity and ecclesiastical claim, and may not be used, published, or represented by any commercial party without my express written consent.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true, correct, and executed this 9th day of June, 2025.

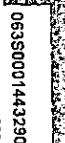
Nathan Edward Kenjalo

Nathan Edward Kenjalo
Sui juris, without prejudice

FIRST CLASS MAIL

CERTIFIED MAIL

\$11.54⁰
US POSTAGE IMI
FIRST-CLASS
FROM 56538
06/16/2025
 Stamps.com



9414 7111 0549 5826 5863 87

U.S. District Court-c/o Clerk of Court
515 Rusk St Ste 5300
Houston TX 77002-2607

Nathan Ochsner, Clerk of Court
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